



Mining Remedial Recovery Company

Norman Johnson, Vice President
Mining Remedial Recovery Company
4780 Caterpillar Road Unit C
Redding, CA 96003

August 4, 2017

VIA U.S. MAIL

Steve Kaiser (C-14J)
U.S. Environmental Protection Agency, Region 5
Office of Regional Counsel
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

RE: Progress Update to Supplemental Request for Information Directed to Mining Remedial Recovery Company (MRRC).

Dear Mr. Kaiser:

This letter provides an update to MRRC's progress in identifying and providing documents per MRRC's 104(e) response dated July 5, 2017. As we explained in that letter, locating the requested documents is significantly complicated by the fact that the Timpanogos indexing system was orphaned shortly after development.

Despite these difficulties we have completed various searches using descriptions from the Timpanogos index provided by EPA. To date approximately eighty percent of the documents have been identified. We estimate we have spent more than one hundred and fifty man-hours to date in locating and identifying these documents. This is a considerable effort given the limited staff and resources available to review these boxes, as well as that staff's other obligations.

When we began physically amassing records on the warehouse floor we discovered that some boxes retain the obsolete Timpanogos numerical tags. Unfortunately not all the tags remain intact as they were/are on self-stick labels attached to the boxes and the glue has failed over time and relocations. However, finding a portion of the boxes still retaining the obsolete index numbers will assist in confirming that we have indeed identified the specific records requested.

Unfortunately the old Timpanogos numbering system is not cross referenced to the current shelf location so locating the specific records requested requires searching within the description field or randomly searching the warehouse. Furthermore, we have not seen any evidence that any of the S series or F series numbers remain, making the identification of these records more challenging.

To give EPA a sense of the challenge we are often having, the following example is provided:

In the list provided, EPA is looking for box A-235 with the description of United States Smelting and Refining Company. When we search for United States Smelting and Refining Company we get in the ballpark of four thousand record returns. Since EPA was looking for a single box numbered 235 and four thousand returns represents a very large number of boxes (likely hundreds), we are not close to finding box 235. And it may ultimately not be practicable to find box 235. We are challenged as to how to further refine the result. This is not a unique example.

At this point we have approximately two hundred and fifty boxes on the warehouse floor and as earlier stated estimate they represent in the range of eighty percent of the records requested. The remaining group of records is proving more challenging to find and the pace of discovery has slowed but we are continuing to make a good faith effort to locate the documents.

Personnel working on this data production will be taking previously scheduled vacations in the latter part of August but will continue up to departure and resume immediately upon return.

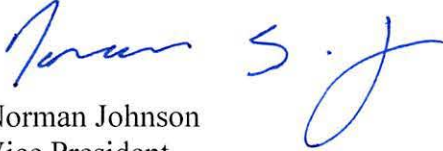
We believe we will have the bulk of the data requested available by mid-September, however finding the final portions may take more time and it is possible that some may not exist or be located at all.

As indicated in our June 5 letter, we plan to make these documents available to EPA for inspection, similar to what we understand the process has been for EPA's review of the USS Lead documents. We do request that in advance of any inspection or copying by EPA, MRRC and EPA enter into a clawback agreement relating to privileged documents (similar to such an agreement we understand exists with USS Lead Refinery Inc.). As you know, MRRC does not have the financial resources to engage counsel to conduct a privileged review of the many hundreds of boxes of documents that appear to be responsive to EPA's document request.

MRRC will provide the next update to our progress following the Labor Day weekend.

Sincerely yours,

Mining Remedial Recovery Company

A handwritten signature in blue ink, appearing to read "Norman S. Johnson". The signature is stylized, with the first name "Norman" written in a cursive script and the last name "Johnson" written in a more formal, blocky style.

Norman Johnson
Vice President
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Redding, CA 96003

cc: Michael Baum